

John Rothermich, OSB #071685  
Email: [john.rothermich@klgates.com](mailto:john.rothermich@klgates.com)  
Meredith Bateman, OSB #192273  
Email: [meredith.bateman@klgates.com](mailto:meredith.bateman@klgates.com)  
K&L GATES LLP  
1 SW Columbia Street, Suite 1900  
Portland, OR 97204  
Tel.: (503) 228-3200/Fax: (503) 248-9085

Philip Guess, OSB #176408  
Email: [philip.guess@klgates.com](mailto:philip.guess@klgates.com)  
K&L Gates LLP  
925 4th Avenue, Suite 2900  
Seattle, WA 98104  
Tel: (206) 623-7580/Fax: (206) 623-7022

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

CLIMAX PORTABLE MACHINE TOOLS,  
INC., an Oregon Corporation,

Plaintiff,

v.

TRAWEMA GMBH, a foreign company,  
GUNTER CRAMER, an individual, SIMON  
HECK, an individual, and JOHN DOES 1  
through 3, individuals,

Defendants.

Case No. 3:18-cv-01825-AC

**CLIMAX PORTABLE MACHINE  
TOOLS INC.'S MOTION FOR LEAVE  
TO FILE REPLY IN SUPPORT OF ITS  
MOTION TO COMPEL**

Pursuant to LR 7-1, counsel for Climax conferred with defendants' counsel by email concerning this Motion for Leave to File Reply. Defendants oppose the motion.

Plaintiff Climax Portable Machine Tools Inc. ("Climax" or "Plaintiff") respectfully requests leave to file a Reply in support of its Motion to Compel (Dkt. No. 80) no longer than 10 pages by October 26, 2020.

Because defendants Gunter Cramer and Simon Heck ("Defendants") have objected to producing any documents (and most of the information) requested by Climax, Climax's Motion to Compel is critical to its case. Accordingly, Climax should be given the opportunity to briefly address new legal and factual issues raised for the first time in Defendants' opposition. The legal arguments Defendants have raised for the first time include: (1) whether the German Limited Liability Company Act, sec. 47 para. 4 precludes Mr. Cramer from exercising his legal right to obtain and produce responsive documents in Trawema's possession; (2) the purported risk that Trawema's minority shareholder, Ms. Sandra Lennartz, would pursue criminal penalties against Mr. Cramer;<sup>1</sup> and (3) whether Climax's purported failure to identify the misappropriated trade secrets with sufficient specificity allows Defendants to categorically refuse to produce documents. Climax seeks to briefly respond to these new arguments and explain why the cases Defendants cite regarding custody and control issues are inapplicable.

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<sup>1</sup> While Defendants' assert that Mr. Cramer and Ms. Lennartz are not married, they conspicuously fail to disclaim any personal relationship between Mr. Cramer and Ms. Lennartz. While Plaintiff has repeatedly expressed its understanding that Mr. Cramer and Ms. Lennartz are married, Defendants have never once corrected that apparent misconception. *See, e.g.* August 17, 2020 discovery letter ("Cramer is not only the founder and General Manager (the most senior officer) of Trawema, he owns over 85% of the shares of Trawema, and the remaining shares are owned by his wife."); Dkt. 71, p. 5 (Cramer "owns over 85% of the shares of Trawema (with the remaining shares owned by Sandra Lennartz, whom Climax understands is Cramer's spouse).").

For these reasons, Climax respectfully requests leave to file a Reply in support of its Motion to Compel no longer than 10 pages by October 26, 2020.

DATED this 19th day of October, 2020.

K&L GATES LLP

By s/Meredith Bateman

Meredith Bateman, OSB #192273

Email: [meredith.bateman@klgates.com](mailto:meredith.bateman@klgates.com)

John Rothermich, OSB #071685

[john.rothermich@klgates.com](mailto:john.rothermich@klgates.com)

Philip Guess, OSB #176408

[phil.guess@klgates.com](mailto:phil.guess@klgates.com)

Attorneys for Plaintiff Climax

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of October, 2020, I caused to be served a copy of the foregoing CLIMAX PORTABLE MACHINE TOOLS INC.'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF ITS MOTION TO COMPEL upon all counsel of record listed below via the Court's CM/ECF electronic service system.

Michael E. Haglund, OSB #772030

Email: [mhaglund@hk-law.com](mailto:mhaglund@hk-law.com)

Christopher Lundberg, OSB # 941084

Email: [clundberg@hk-law.com](mailto:clundberg@hk-law.com)

Eric J. Brickenstein, OSB #142852

Email: [ebrickenstein@hk-law.com](mailto:ebrickenstein@hk-law.com)

HAGLUND KELLEY LLP

200 S.W. Market Street, Suite 1777

Portland, OR 97201

Tel: 503-225-0777

Attorneys for Defendants Trawema GmbH, Günter Cramer, and Simon Heck

DATED this 19th day of October, 2020.

*s/Meredith Bateman*

Meredith Bateman, OSB #192273